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**From:** Phillip Clark <[phillipclark1@cox.net](mailto:phillipclark1@cox.net)>  
**Sent:** Thursday, October 31, 2024 11:22 AM  
**To:** Perreault, Erin <[eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)>  
**Cc:** Phil Clark <[phillipclark1@cox.net](mailto:phillipclark1@cox.net)>  
**Subject:** (ADU) Text Amendment (4-TA-2024) and Adaptive Re-use Text Amendment (3-TA-2024)

Good Morning Erin,

After reviewing the draft code amendments pertaining to Accessory Dwelling Units and Adaptive Re-use, it appears the City is attempting to use the exemption of "LAND IN THE TERRITORY IN THE VICINITY OF A FAA AIR PORT" to exempt large sections of the City from being impacted by these amendments.

The state legislation clearly references ARS SECTION 28-8486.

When reviewing this statute, you'll notice that the intent of this statute is to only pertain to property inside the 60 decibel LDN lines.

See the attached copy of the statute attached and restated below:

A. The state real estate department shall have and make available to the public on request a map showing the exterior boundaries of each territory in the vicinity of a public airport. The map shall clearly set forth the boundaries on a street map. The state real estate department shall work closely with each public airport and affected local government as necessary to create a map that is visually useful in determining whether property is located in or outside of a territory in the vicinity of a public airport.

B. Each public airport shall record the map prepared pursuant to subsection A in the office of the county recorder in each county that contains property in a territory in the vicinity of the public airport. The recorded map shall be sufficient to notify owners and potential purchasers of property that the property is located in or outside of a territory in the vicinity of a public airport.

C. For the purposes of this section:

1. "Public airport" means an airport that is owned by a political subdivision of this state or that is otherwise open to the public.
2. "**Territory in the vicinity of a public airport**" **means** property that is within the traffic pattern airspace as defined by the federal aviation administration **and includes property that experiences a day-night average sound level as follows:**
  - (a) In counties with a population of more than five hundred thousand persons, **sixty decibels or higher at airports where such an average sound level has been identified** in either the airport master plan for the twenty year planning period or in a noise study prepared in accordance with airport noise compatibility planning, 14 Code of Federal Regulations part 150.

(b) In counties with a population of five hundred thousand persons or less, sixty-five decibels or higher at airports where such an average sound level has been identified in the airport master plan for the twenty year planning period.

Your peer cities are drafting their code amendments to comply with this definition. I would ask that you consult with the City Attorney prior to taking this to Council as in my opinion the City is not complying with state statute by taking this position.

Please let me know if I'm interpreting the proposed amendments incorrectly and if so provide a map showing that it's only in areas impacted by this sound level that are exempted from this code amendment. I appreciate your attention to this matter and look forward to a response.

Thank you,  
Phil Clark